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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,072	12/28/2001	Michael Slutsky	1130	2236

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EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,072	SLUTSKY ET AL.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/1/05 (Response).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response

1. Receipt is acknowledged of the response filed on September 1, 2005. No claims were
5 canceled, amended or newly added. Currently, claims 1-11 remain in the examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly
10 indicative of the invention to which the claims are directed. Applicant is entitled to certain
extents to be a lexicographer with respect to the contents of the application. However, the term
should be understood by at least one ordinary skill in the art. It is unclear what "Lighthouse" is,
and there is no reference in the specification to infer the meaning of the term.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- 20 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Callaghan et al.
(US 6,058,304, hereinafter "Callaghan").

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Re claim 1, Callaghan discloses a data entry system (see abstract) comprising a scanner head further comprising a laser light source and reflected light receiving means for decoding (col. 9, line 66 – col. 10, line 9); an ASIC circuitry 74, 150 (see figures, 3, 8-10 and 11) communicating with the scanning head 14 (col. 8, lines 36+; col. 14, lines 40+).

5 Re claim 2, as shown in figure 8, ASIC interfaces with laser scanner, touch screen 90, and optical interface 86. Laser scanner is a signal converted from reflected laser beam; optical interfaces uses optical signal (col. 8, lines 36+); and touch pad converts pressure into a signal. Therefore, the central processor 74 communicates with different types of data.

Re claim 3, the portable data terminal is a barcode reader (col. 3, lines 47-55).

10 Re claim 4, the functionalities of ASIC includes power management (col. 14, line 53).

Re claims 5-7, battery charging (life cycle) is informed to the user (col. 7, lines 15-22).

Claim Rejections - 35 USC § 103

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out 25 the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaghan et al. (US 6,058,304) in view of Kunert et al. (US 6,109,528, previously cited, hereinafter
5 “Kunert”).

The teachings of Callaghan have been discussed above. Callaghan, however, fails to specifically teach or fairly suggest that the battery is Ni-MH battery.

Kunert teaches a portable electronic device 10 (see abstract) comprising an imager device in the form of photo diode, a laser scanner (col. 13, lines 15+) and application specific integrated
10 circuit (ASIC) (col. 12, lines 65+) which controls the majority of functions associated with a laser-based scanner. The micro controller implements a gas gauge function and recharging function (col. 18, lines 1+). Kunert further discloses that the device is further comprised of a Nickel-metal hydride type (col. 17, lines 17+) or lithium-ion type (col. 19, lines 15+).

In view of Kunert's teaching, it would have been obvious to an ordinary skill in the art at
15 the time the invention was made to use well known Ni-MH battery to the teachings of Callaghan in order to conserve power and reduce the frequency of charging. Ni-MH is a well-known battery type and used in wide variety of portable devices.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over
20 Callaghan et al. (US 6,058,304) in view of Meier et al. (US 6,561,428, previously cited, hereinafter “Meier”). The teachings of Callaghan have been discussed above.

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Callaghan fails to specifically teach or fairly suggest that the ASIC in the barcode reader further comprises IDE interface function.

Meier teaches an optical reader 10 reading image data (see abstract) comprising an ASIC circuitry (col. 5, lines 5, lines 46-52). The circuitry further includes memory devices including
5 “Compact Flash” or MMC card (col. 5, line 53- col. 6, line 15), which means that the interfaces for the card would also be included. The micro controller implements a gas gauge function and recharging function (col. 18, lines 1+).

In view of Meier’s teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate well-known data storage mediums such as “CF” card or
10 hard-disks to the teachings of Callaghan in order to increase storage capacity of the data terminal. As known, the barcode and other image data are becoming increasingly denser, carrying large amount of information. Accordingly, the reader apparatus have to have large memory area to capture and manipulate complex image data. Moreover, by providing permanent storage area, the image can be stored and transmitted to other device, and therefore an obvious
15 expedient.

Response to Arguments

9. Applicant’s arguments filed on September 1, 2005 have been carefully reviewed and considered, but they are not persuasive.

20 Applicant suggests and argues that Callaghan does not disclose “an imager coupled to the portable electronic device and a laser scanner coupled to the portable electronic device.”

Examiner respectfully disagrees. Callaghan discloses a portable electronic device comprising a laser scanner and imager “coupled to” the portable electronic device. What Applicant appears to

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claim is that they are separate devices (inferring from figure 1). However, the presented claims, in the Examiner's view, do not claim such portable device. In fact, as illustrated in figure 3, the portable reader comprising ASIC, imager and laser source that are "coupled to each other" would read on the presented claims. Accordingly, the Callaghan patent discloses the embodiment

5 illustrated in figure 3,

Applicant's arguments describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

Conclusion

10 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after
15 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahshik Kim whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday. The fax number directly to the Examiner is (571)273-2393.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (703)872-9306.

10 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

15 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

20 

Ahshik Kim
Primary Examiner
Art Unit 2876
November 28, 2005

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